THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.26812 of 2006

Dated:07th September, 2006

Between:

P.N.Raju.

…..PETITIONER

AND

The A.P.S.R.T.C rep by its
Regional Manager, Visakhapatnam Region
at Visakhapatnam & another. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.26812 of 2005

ORDER:

This writ petition is filed assailing the proceedings of the 2nd respondent-Depot Manager, A.P.S.R.T.C, Maddilapalem, Visakhapatnam District, in proceedings No.01/2(21)/99-MDP, dated 31-7-1999 by which the petitioner who is a Driver was imposed a major punishment of deferment of annual increment for a period of two years with cumulative effect, without conducting any enquiry.

The operative portion of the impugned order of the respondent reads thus:

> *"I, therefore, hereby order that your annual increment when next falls due be withheld of TWO YEARS with the effect of postponing your future increments."*

It is the case of the petitioner that he is working as Driver at respondent-Depot and a charge-sheet dated 16-7-1999 was issued on the allegation that the petitioner is responsible for an accident, for which the petitioner submitted explanation. It is the further case of the petitioner that proceedings of the 2nd respondent-Depot Manager, A.P.S.R.T.C, Maddilapalem, Visakhapatnam District, in proceedings No.01/2(21)/99-MDP, dated 31-7-1999 imposing punishment of deferment of annual increment for a period of two years with cumulative effect is a major punishment and cannot be imposed without conducting departmental enquiry and such imposition is contrary to law and contrary to the Judgment of the Supreme court in ***Kulwanth Singh Gill v. State of Punjab*** [1], and due to such major punishment the petitioner is facing much financial problems as he is drawing less salary.

Heard the learned counsel for the petitioner and perused the impugned order as well as the Judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005.

Admittedly, the respondent without conducting departmental enquiry imposed the penalty of stoppage of annual increment for a period of two years, with cumulative effect on the basis of the charges leveled against the petitioner which is a major penalty as is held by this Court in a similar matter in W.P.No.23114 of 2005, dated 27-10-2005 following the Judgment of the Supreme Court in ***Kulwanth Singh Gill v. State of Punjab.*** The operative portion of the judgment in W.P.No.23114 of 2005, dated 27-10-2005 reads thus:

> *"In the ordinary course of things, the impugned order needs to be set aside, leaving it open to the respondent to pass fresh orders. To avoid further delay and complication in the matter, this court is of the view that the impugned order can be treated, as the one for stoppage of annual increment, without cumulative effect.*
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> *Hence, the writ petition is partly allowed, directing that the order dated 16-11-1993, passed by the respondent, shall be treated as the one for stoppage of annual increment, for a period of six months, without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. There shall be no order as to costs."*

In the above view of the matter, this writ petition is disposed of in terms of the judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005 directing the respondents as under.

The respondents are directed to treat the impugned order in proceedings No.01/2(21)/99-MDP, dated 31-7-1999 as the one for stoppage of annual increment, for a period of two years without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. No costs.

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(N.V. RAMANA, J.)

Date:07th September, 2006.
GRK

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[1] 1990 (1) LLJ 635